

Appln. No. 09/821,936
Amendment dated February 16, 2005
Reply to Office Action of October 28, 2004

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The October 28, 2004 Office Action and the Examiner's comments have been carefully considered. In response, claims are cancelled and added, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

PRIOR ART REJECTIONS

In the Office Action claims 31-40 are rejected under 35 USC 103(a) as being unpatentable over USP 5,509,070 (Schull). In response, claims 31-40 are cancelled and new claims 41-62 are added.

The present claimed invention as defined by independent claim 41 is directed to a data reader for reading data from a recording medium which includes a first semiconductor storage area and a second dynamic storage area. The second dynamic storage area stores free and pay contents data, and the first semiconductor storage area has stores information to use the free and pay contents data. The data reader includes means for reading the free and pay contents data, means for inhibiting the

Appln. No. 09/551,938
Amendment dated February 13, 2005
Reply to Office Action of October 23, 2004

reading means from reading the pay contents data by referring ~~to~~ the information stored in the first semiconductor storage area, and means for permitting the reading means to read the pay contents in accordance with predetermined procedures by referring to the information stored in the first semiconductor storage area.

USP 5,509,070 (Schull) is directed to a method and apparatus of encouraging distribution, registration, and purchase of free copyable software and other digital information which is accessed on a user's system by a programmer's program.

In the Office Action the Examiner states that Schull discloses means for permitting the reader to read the free contents data and for inhibiting the reader from reading the pay contents data, and permitting means for permitting the reader to read the pay contents data in accordance with predetermined procedures.

New claim 41 includes limitations in addition to those set forth in claim 31 which are not disclosed, taught or suggested in Schull. That is, claim 41 recites that the data reader includes means for reading the free and pay contents data, means for inhibiting the reading means from reading the pay contents data by referring to the information stored in the first semiconductor storage area, and means for permitting the reading means to read

Appln. No. 09/881,938
Amendment dated February 18, 2005
Reply to Office Action of October 28, 2004

the pay contents in accordance with predetermined procedures by referring to the information stored in the first semiconductor storage area.

Schull fails to disclose, teach or suggest a recording medium, and specifically a recording medium as defined in claim 41. Schull also fails to disclose where and on what recording medium pay and free contents data are stored respectively, and how the two different contents data are related to each other.

Moreover, Schull does not relate to the same subject matter as the present claimed invention because Schull fails to disclose the arrangement of claim 41 including "a recording medium that comprises a first semiconductor storage area and a second dynamic storage area, the second dynamic storage area having stored free and pay contents data, the first semiconductor storage area having stored information to use the free and pay contents data" as defined in new claims 41, 43 and 48.

None of the other references of record close the gap between the present claimed invention as defined by new independent claims 41, 43 and 48 (and claims 42, 44-47 and 49-51 which are either directly or indirectly dependent on claims 41, 43 and 48) and Schull. Therefore, claims 41-51 are patentable over all of the references of record under 35 USC 102 as well as 35 USC 103.

Appln. No. 03/881,938
Amendment dated February 18, 2005
Reply to Office Action of October 28, 2004

Claims 52-62 are related to claims 41-51 but the recording medium is recited in the body of each independent claim as opposed to being recited in the preamble. Claims 52-62 are patentable over the cited references for reasons, inter alia, set forth above in connection with claims 41-51.

CLAIM FEE

It is respectfully believed that no additional fees are due for the presentation of new claims 41-62 since the present application as amended includes twenty-two (22) total claims including six (6) independent claims (the highest number of total claims and independent claims for which payment was previously made in connection with this application is thirty (30) and fourteen (14) respectively). If, however, any additional fees are due for the presentation of claims 41-62, please charge our Deposit Account No. 06-1378 for such sum.

* * * * *

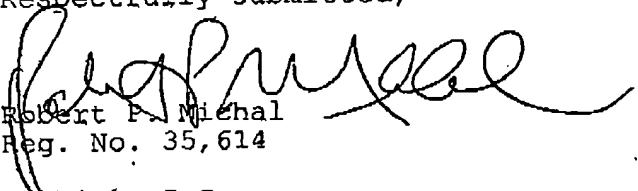
Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

Appin. No. 09/821,922
Amendment dated February 15, 2005
Reply to Office Action of October 28, 2004

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


Robert P. Michal
Reg. No. 35,614

Frishauf, Holtz, Goodman & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2032
Tel. (212) 319-4900
Fax (212) 319-5101
RPM/ms

Encl.: Petition For Extension of Time